

REMARKS

In the Office Action dated March 22, 2006, the Examiner rejected claims 33-48. By the present amendment, applicant has amended claim 33. Accordingly, claims 33-48 remain pending. Reconsideration and allowance of claims 33-48 in view of the amendments and the following remarks are respectfully requested.

A. Indefiniteness Rejection under 35 U.S.C. §112

The Examiner stated that the expression "the second communications signals" in lines 19-20 of claim 33 lack antecedent basis. Accordingly, applicant has amended claim 33 to correct this oversight. Applicant respectfully submits that claim 33 now meets the requirements under 35 USC 112.

B. Rejection under 35 U.S.C. §102(e)

The Examiner has rejected claims 33-48 under 35 U.S.C. §102(e) as being anticipated by U.S. 6,865,376 to Forrester (hereinafter referred to as "Forrester '376"). Applicant respectfully submits that this is an improper rejection because the named inventor in the present application is Timothy D. Forrester is the same inventor as in the Examiner's cited reference.

A rejection under 35 USC 102(e) is not applicable because the cited reference was not described by another inventor. Rather, the inventor's own reference is being cited against the inventor. 35 USC 102 (e) states that a "person is entitled to a patent unless the invention was described in an application for patent by another filed in the United States" (emphasis added). See MPEP 2136.04. Since the inventor's own reference, i.e., Forrester '376, is being cited against the present

claims, Forrester '376 cannot be cited under 35 USC 102(e), and, therefore, applicant respectfully requests that the rejection under 102(e) be withdrawn.

Additionally, a 102(e) rejection can be overcome by establishing that the relevant disclosure is applicant's own work (MPEP 2136.05). Here, the inventor for the pending case is Timothy D. Forrester, and the Examiner's cited reference (Forrester '376) identifies sole inventor Timothy D. Forrester, the same individual. For example, note that the assignee is the same company, Kyocera Wireless. Furthermore, applicant also refers to the declarations submitted with each of the associated patent applications, further evidencing the that the Forrester '376 reference is the applicant's own work. For these reasons, applicant respectfully requests that the rejection under 102(e) be withdrawn.

To expedite the prosecution of this patent application, applicant further submits that a rejection of the claims under 35 USC 103 in view of Forrester '376 is impermissible because subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102 (e) is disqualified as prior art against the claimed invention if at the time the invention was made, the prior art is owned by the same person or subject to an obligation of assignment to the same person or subject to an obligation of assignment to the same person. See MPEP 706.02(k).

Applicant further addresses any potential double patenting rejection in view of Forrester '376. More particularly, Applicant submits that Forrester '376 does not disclose or suggest the limitations specified by claims 33 and 43. Among other reasons, Forrester '376 not disclose or suggest a main antenna system configured to receive a first communications signal, and an auxiliary reception system including an auxiliary antenna, a first processing module configured to receive second

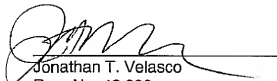
communications signals, a second signal processing module configured to receive an auxiliary signal, a selector module and a controller operatively connected to the main antenna system and the selector module, the controller configured to separately receive signals communicated on the main antenna system and the auxiliary reception system.

C. Conclusion

In view of the foregoing, applicant respectfully submits that claims 33-48 are in condition for allowance, and respectfully requests a notice of allowance directed to claims 33-48. If necessary, applicant requests, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a). The Director is authorized to charge any additional fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 50-3001 of Kyocera Wireless Corp.

Respectfully Submitted,

Dated: June 16, 2006


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